THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.20101 of 1997

DATED : 01.02.2007

Between:

G.D.Manikya Rao S/o G.Somaiah
R/o Hyderabad.

.... **PETITIONER**

And:

The Presiding Officer, Labour Court-II,
Hyderabad and another.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.20101 of 1997

ORDER:

Petitioner was working as conductor in Andhra Pradesh State Road Transport Corporation. On 19.07.1986, charge sheet was issued against him alleging that he has committed cash and ticket irregularities while conducting the service bus No.AAZ 1127 on route 99M, and thereby he was directed to offer his explanation. Accordingly, the petitioner offered his explanation on 29.07.1986. Thereafter, an enquiry was conducted and after the enquiry, show cause was issued notice on 31.10.1986 calling upon the petitioner to explain as to why he shall not be removed from service, and for the said show cause notice, the petitioner offered explanation. Later, the second respondent passed an order dated 29.12.1986 imposing major penalty i..e, removing him from service. Against the said order, the petitioner raised an Industrial Dispute, being I.D.No.350 of 1992, before the Labour Court II,

Hyderabad. After hearing both sides, the Labour Court passed an award dated 01.10.1994 dismissing the I.D., and upholding the order of the second respondent. Hence, this writ petition.

Heard both the counsel.

The charges against the petitioner as per the charge sheet dated 19.07.1986 are as follows.

> Charge (1) : For possessing ticket block No.160/64800 to 899 of Re.l.25 denomination unauthorisedly.
>
> Charge (2): Your failure to account ticket numbers 30812 to 816 of Re.1/- denomination in your S.R.No.65135 having issued them in combination with ticket numbers 39094 to 099 and 32101 to 32108 of Re.1.75 denomination having issued all such tickets to passengers travelling from Mazeedpura to Women's college ex-stages 16 to 1.
>
> Charge (3) : For having issued Rs.1.50 denomination ticket Nos.50/78825 to 839 to the passengers traveling from Mazeedpura to Hayathnagar ex-stages 16 to 9 and accounted the above den., only upto 78830 but failed to account from 78831 to 841 of Re.1.50 den. tickets in the S.R.
>
> Charge (4) For possessing ticket No.32/34996 of Re.1/- den. Unauthorisedly which was not connected to tray dated 09.07.1986.
>
> Chgarge (5) for having your private cash of Rs.16/- as against Rs.10/- declared in the S.R."

No doubt, the charges framed against the petitioner are grave, but the petitioner did not have any pecuniary advantage of gaining some amounts. Apart from that the petitioner was removed from service as early as in the year 1986 and for the last more than twenty years he is out of service. Hence, this Court is of the view that the agony, which the petitioner suffered for all these years, is a sufficient punishment.

Accordingly, the writ petition is disposed of directing the second respondent to reinstate the petitioner into service without back wages as a fresh recruitee in the corporation. However, the second respondent is directed to take into consideration the earlier service of the petitioner with regard to terminal benefits, such as fixation of pension, etc., after retirement of the petitioner. There shall be no order as to costs.

01.02.2007

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